DAN



Dkt No. 2024738- 7034342001 (11.028011)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Peter Albany

Serial No.: 10/656,092

Filed: September 5, 2003

For: LOCALLY STORING BIOLOGICAL SPECIMEN DATA TO A SLIDE

Group Art Unit: 2621

Confirmation No.: 9925

Examiner: Not-Yet-Assigned

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. Copies of US Patents and US Patent Publications are not enclosed, pursuant to the US Patent & Trademark Office waiver of this requirement under 37 CFR § 1.98 (a)(2)(i) for patent applications filed after June 30, 2003. Copies of other cited references are enclosed.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

## CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the Unites States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

Date of deposit 6, ZOOS

Signature of Person depositing Paper

Name of Person transmitting P

Maritza D. Kidd

## Information Disclosure Statement Filing Provision:

⊠ within		S is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) onths of the filing date of the application, which is not a continued prosecution application
filed ur	nder § 1.	53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR §
1.491;	or (3) be	efore the mailing of a first Office action on the merits; or (4) before the mailing of a first
Office	action a	fter filing a request for continued examination under § 1.114. Thus, no fee is required.
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
on the 1 § 1.311	merits, b	S is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action out before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR
		The fee due under 37 CFR § 1.17(p) is submitted herewith.
		A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
-	or a No	S is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR stice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A r 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted
nerewn	ın.	
		STATEMENT UNDER 37 CFR § 1.97(e):
$\boxtimes$	Each ite	em contained in this IDS was first cited in any communication from a foreign patent office
in a cou	ınterparı	t foreign application not more than three months prior to the filing of this IDS.
	No item	n contained in this IDS was cited in a communication from a foreign patent office in a
counter	part for	eign application, and, to the knowledge of the person signing this statement after making
reasona	ible inqu	niry, no item of information contained in this IDS was known to any individual designated
in 37 C	FR § 1.5	56(c) more than three months prior to the filing of this IDS.

	PAYMENT AND/OR AUTHORIZATION	N TO CHARGE FEES:
	A check in the amount of is enclosed for the a	above fee(s).
	Please charge to Deposit Account No. 50-251	8 for the above fee(s).
	Although applicant believes no fee is required, the C	commissioner is authorized to charge any fees
	required by the filing of these papers, and to credit a	ny overpayment to Bingham McCutchen's
	Deposit Account No. 50-2518.	
•		
		Respectfully submitted, BINGHAM McCUTCHEN LLP
Dated:	4-5-05 By:	Down Tourse  David T. Burse
BINGE	HAM McCUTCHEN LLP	Reg. No. 37,104

Costumer Number

(650) 849-4400

Three Embarcadero, Suite 1800 San Francisco, CA 94111-4067

23639
PATENT TRADEMARK OFFICE

Please type a plus sign (+) inside this box

Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

SUPPLEMENTA APR 1 1

SUPPLEMENTAL ATT THE INFORMATION DISCLOSURES STATEMENT BY APPLICANT

Complete if Known

Application Number 10/656,092

Filing Date September 5, 2003

First Named Inventor Peter Albany

Group Art Unit 2621

Examiner Name Not-Yet-Assigned

(use as many sheets as necessary)

 Sheet
 1
 of
 1
 Attorney Docket Number
 38-7034342001 (11.028011)

				FOREIGI	N PATENT DOCU	MENTS		
Examiner Initials*	Cite No.1	Foreign Patent Document  Office <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Т <sub>6</sub>	
	1.	GB	1 423 185	A	Bancsich J. HadrianW; Marksteiner A	01-28-1976	, igaico Appeai	
	2.	wo	97/22901	А	Compucyte Corporation	06-26-1997		
	3.	wo	01/31566	Α	Cytyc Corporation	05-03-2001		
	4.	wo	02/21425	Α	Capitol Vial, Inc.	03-14-2002		

OTHER DOCUMENTS NON PATENT LITERATURE					
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²		
	5.	PCT International Search Report for PCT/US2004/027439, Applicant: Cytyc Corporation, Forms PCT/ISA/210 and 220, dated March 31, 2005 (6 pages)			
	6.	PCT Written Opinion of the International Search Authority for PCT/US2004/027439, Applicant: Cytyc Corporation, Form PCT/ISA/237, dated March 31, 2005 (5 pages)			

Examiner Signature	·	Date Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Alexandria, VA 22313-1450.

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark hee if English language Translation is attached.